

(d) **Omission of removal of label.**—Every manufacturer of filled cheese who neglects to affix the label provided for in paragraph (2) of section 1002 (b) to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined \$50 for each package in respect to which such offense is committed. (June 6, 1896, c. 337, § 8, 29 Stat. 255.)

(e) **Purchasing when special tax not paid.**—Every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax provided for in section 1372 of chapter 16 shall be liable, for each offense, to a penalty of \$100. (June 6, 1896, c. 337, § 13, 29 Stat. 256.)

(f) **Purchasing when not stamped, branded, or marked according to law.**—Any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of \$50 for each such offense. (June 6, 1896, c. 337, § 12, 29 Stat. 256.)

(g) **Failure to destroy stamps on emptied packages.**—Any person who willfully neglects or refuses to destroy the stamps on any empty package which contained filled cheese shall, for each such offense, be fined not exceeding \$50 or imprisoned not less than ten days nor more than six months. (June 6, 1896, c. 337, § 14, 29 Stat. 256.)

Sec. 1008. Forfeitures—(a) Purchasing when special tax not paid.—Every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax provided for in section 1372 of chapter 16 shall be liable, for each offense, to a forfeiture of all articles so purchased or received, or of the full value thereof. (June 6, 1896, c. 337, § 13, 29 Stat. 256.)

(b) **Packages unstamped, unmarked, or deleterious.**—All packages of filled cheese subject to tax under this chapter that shall be found without stamps or marks as herein provided, and all filled cheese intended for human consumption which contains ingredients adjudged as hereinafter provided to be deleterious to the public health, shall be forfeited to the United States. (June 6, 1896, c. 337, § 16, 29 Stat. 256.)

Sec. 1009. Recovery of penalties and forfeitures.—All fines, penalties, and forfeitures imposed by this chapter or section 1373 may be recovered in any court of competent jurisdiction. (June 6, 1896, c. 337, § 17, 29 Stat. 256.)

Sec. 1010. Commissioner's decisions—(a) Deleterious ingredients.—The Commissioner is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. (June 6, 1896, c. 337, § 15, 29 Stat. 256.)

(h) **Appeal.**—In case of doubt or contest the decision of the Commissioner in the class of cases referred to in subsection (a) may be appealed from to a board constituted¹ for the purpose, and composed of the Surgeon General of the Army, the Surgeon General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises. (June 6, 1896, c. 337, § 15, 29 Stat. 256.)

Sec. 1011. Tobacco stamp laws applicable.—The provisions of law² governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, shall³ apply to stamps provided for by paragraph (1) of subsection (c) of section 1001. (June 6, 1896, c. 337, § 9, 29 Stat. 225.)

Sec. 1012. Regulations.—For authority of the Commissioner, with the approval of the Secretary, to make all needful regula-

tions for the carrying into effect of the provisions of this chapter and sections 1372 and 1373, see section 1691 (a) (1).

NOTE.—Section nineteen of the act of June 6, 1896, c. 337, 29 Stat. 256, provides as follows: "That this Act shall go into effect on the ninetieth day after its passage, and all wooden packages containing ten or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this Act, shall be deemed to be taxable under section nine of this Act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this Act or by regulations made pursuant to this Act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this Act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this Act takes effect; and such stock on hand at the time of the taking effect of this Act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps." This section is omitted because of its temporary character.

Chapter 11.—MIXED FLOUR

Sec.

1020. Mixed flour defined.

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1022. Requirements on manufacturers or packers.

1023. Stamps on emptied packages.

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1025. Exportation.

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Sec. 1020. Mixed flour defined.—For the purposes of this chapter and section 1378, the words "mixed flour" shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat, or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this chapter and section 1378. (June 13, 1898, c. 448, § 35, 30 Stat. 467 as amended by April 12, 1902, c. 500, § 9, 32 Stat. 99.)

Sec. 1021. Tax—(a) Rate.—Upon the manufacture and sale of mixed flour there shall be levied a tax of 4 cents per barrel or other package containing one hundred and ninety-six pounds or more than ninety-eight pounds; 2 cents on every half barrel or other package containing ninety-eight pounds or more than forty-nine pounds; 1 cent on every quarter barrel or other package containing forty-nine pounds or more than twenty-four and one half pounds; and one-half cent on every one-eighth barrel or other package containing twenty-four and a half pounds or less. (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

(b) **By whom paid.**—The tax levied by subsection (a) shall be paid by the person, firm, or corporation making or packing mixed flour. (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

(c) **How paid—(1) Stamps.**—The tax levied by subsection (a) shall be represented by coupon stamps. (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

(2) **Assessment.**—Whenever any person, firm, or corporation sells, consigns, or removes for sale, consignment, or consumption any mixed flour upon which the tax required by this chapter has not been paid, it shall be the duty of the Commissioner, for a period of not more than four years after such sale,

¹ "Hereby" is omitted before "constituted."

² "Law" is substituted for "existing laws."

³ "Shall" is substituted for "are hereby made to."

consignment, or removal, upon satisfactory proof, to estimate the amount of tax which should have been paid, and to make an assessment therefor and certify the same to the collector of the proper district: *Provided*, That in case of fraud with intent to evade tax or of a willful attempt in any manner to defeat or evade tax, the assessment may be made at any time. The tax so assessed shall be in addition to the penalties imposed by this chapter for an unauthorized sale or removal. (June 13, 1898, c. 448, § 41, 30 Stat. 469; Feb. 26, 1926, c. 27, § 1109 (a), 44 Stat. 114.)

(d) **Imported mixed flour.**—For tax on imported mixed flour, see section 1024.

(e) **Exemption, repacked flour.**—For exemption of repacked flour from tax, see section 1022 (b).

(f) **Special tax.**—For special tax on manufacturers and packers, see section 1378.

Sec. 1022. Requirements on manufactures or packers—

(a) **Packages.**—(1) **Weight.**—Barrels or other packages in which mixed flour may be packed shall contain not to exceed one hundred and ninety-six pounds. (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

(2) **Reuse.**—All sales and consignments of mixed flour shall be in packages not before used for that purpose. (June 13, 1898, c. 448, § 38, 30 Stat. 468.)

(3) **Marks and brands.**—Every person, firm, or corporation making, packing, or repacking mixed flour shall plainly mark or brand each package containing the same with the words "mixed flour" in plain black letters not less than two inches in length, together with the true weight of such packages, the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed. (June 13, 1898, c. 448, § 37, 30 Stat. 467.)

(4) **Contents card.**—In addition to the requirements under paragraph (3), the maker or packer shall place in each package a card not smaller than two inches in width by three inches in length, upon which shall be printed the words "mixed flour," together with the names of the ingredients composing the same, and the name of the maker or packer, and the place where made or packed. (June 13, 1898, c. 448, § 37, 30 Stat. 468.)

(5) **Label.**—In addition to the branding and marking of mixed flour as provided in this chapter, there shall be affixed to the packages containing the same a label in the following words:

"NOTICE.—The (manufacturer or packer, as the case may be) of the mixed flour herein contained has complied with all the requirements of law. Every person is cautioned not to use this package or label again or to remove the contents without destroying the revenue stamp thereon, under the penalty prescribed by law in such cases." (June 13, 1898, c. 448, § 39, 30 Stat. 468.)

(b) **Repacking.**—(1) **Exemption from tax.**—When mixed flour, on the manufacture and sale of which the tax imposed by this chapter has been paid, is sold and then repacked without the addition of any other material, such repacked flour shall not be liable to any additional tax. (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

(2) **Marks, brands, and contents cards.**—The packages containing the repacked flour referred to in paragraph (1) of this subsection shall be branded and marked as required by paragraph (3) of subsection (a), and shall contain the card provided for in paragraph (4) of subsection (a). (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

(3) **Notice.**—In addition to the requirements under paragraphs (1) and (2), the person, firm, or corporation repacking mixed flour shall place on the packages containing the same a label in the following words: "NOTICE.—The contents of this package have been taken from a regular statutory package, upon which the tax has been duly paid." (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

Sec. 1023. Stamps on emptied packages.—Whenever any package containing mixed flour is emptied it shall be the duty of the person in whose possession it is to destroy the stamp thereon. (June 13, 1898, c. 448, § 45, 30 Stat. 469.)

Sec. 1024. Importation.—All mixed flours, imported from foreign countries, shall, in addition to any import duties imposed thereon, pay an internal revenue tax equal in amount to the tax imposed under subsection (a) of section 1021, such tax to be represented by coupon stamps, and the packages containing such imported mixed flour shall be marked, branded, labeled, and stamped as in the case of mixed flour made or packed in the United States. (June 13, 1898, c. 448, § 42, 30 Stat. 469.)

Sec. 1025. Exportation.—Mixed flour may be removed from the place of manufacture or from the place where packed for export to a foreign country without payment of tax or affixing stamps or label thereto, under such regulation and the filing of such bond and other security as the Commissioner, with the approval of the Secretary, may prescribe. Every person, firm, or corporation who shall export mixed flour shall plainly mark on each package containing the same the words "mixed flour," and the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed, in accordance with the provisions of this chapter. (June 13, 1898, c. 448, § 44, 30 Stat. 469.)

Sec. 1026. Penalties.—(a) **Omission of marks, brands, or contents cards.**—Any person, firm, or corporation making, packing, or repacking mixed flour,¹ failing to comply with the provisions of paragraphs (3) and (4) of subsection (a) of section 1022, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$250 and not more than \$500, or be imprisoned not less than sixty days nor more than one year. (June 13, 1898, c. 448, § 37, 30 Stat. 468.)

(b) **Omission or removal of labels.**—Every person, firm, or corporation failing or neglecting to affix the label required by paragraph (5) of subsection (a) of section 1022 to any package containing mixed flour made or packed by him or them, or who removes from any such package any label so affixed, shall, upon conviction thereof, be fined not less than \$50 for each label so removed. (June 13, 1898, c. 448, § 39, 30 Stat. 468.)

(c) **Falsification or unlawful removal of brands; sale or packing in violation of law.**—Every person, firm, or corporation knowingly selling or offering for sale any mixed flour in other than marked and branded packages, as required by the provisions of this chapter, or who packs in any package or packages any mixed flour in any manner contrary to the provisions² of this chapter, or who falsely marks or brands any package or packages containing mixed flour, or unlawfully removes such marks or brands, shall, for each such offense, be punished by a fine of not less than \$250 and not more than \$500, or by imprisonment not less than thirty days nor more than one year. (June 13, 1898, c. 448, § 38, 30 Stat. 468.)

(d) **Failure to pay tax; excessive weight; improper marking or branding on repacking.**—Any person violating the provisions of section 1021 (b) and (c) (1) or section 1022 (a) (1) and (b), shall, upon conviction thereof, be punished by a fine of not less than \$250 and not more than \$500, or by imprisonment not to exceed one year. (June 13, 1898, c. 448, § 40, 30 Stat. 469.)

(e) **Purchasing when tax not paid.**—Any person, firm, or corporation knowingly purchasing or receiving for sale or for repacking and resale any mixed flour from any maker, packer, or importer, who has not paid the tax provided in this chapter,³ or section 1378 (a), shall, for each offense, be fined not less

¹ The word "hereunder" is omitted as superfluous.

² "relating to the manufacture and sale of mixed flour" is omitted as surplusage.

³ "In this chapter" is substituted for "herein."

than \$50, and forfeit to the United States all the articles so purchased or received, or the full value thereof. (June 13, 1898, c. 448, § 43, 30 Stat. 469.)

(f) **Purchasing imported flour without brands, labels, or stamps.**—Any person, firm, or corporation purchasing or receiving for sale or repacking any mixed flour imported from foreign countries, which has not been branded, labeled, or stamped, as required by this chapter, or which is contained in packages which have not been marked, branded, labeled, or stamped, as required by this chapter shall, upon conviction, be fined not less than \$50 nor more than \$500. (June 13, 1898, c. 448, § 42, 30 Stat. 469.)

(g) **Failure to destroy stamps or marks on empty packages.**—Any person disposing of an empty package which contained mixed flour without first having destroyed the stamp or mark or marks thereon, shall, upon conviction, be punished by a fine not exceeding the sum of \$25. (June 13, 1898, c. 448, § 45, 30 Stat. 469.)

(h) **Second offense.**—Any person, firm, or corporation found guilty of a second or any subsequent violation of any of the provisions of this chapter or of section 1378, shall, in addition to the penalties imposed by this chapter,⁴ be imprisoned not less than thirty days nor more than ninety days. (June 13, 1898, c. 448, § 48, 30 Stat. 470.)

Sec. 1027. Recovery of penalties and forfeitures.—All fines, penalties, and forfeitures imposed by section 1026 or 1378 may be recovered in any court of competent jurisdiction. (June 13, 1898, c. 448, § 46, 30 Stat. 469.)

Sec. 1028. Tobacco stamp laws applicable.—(a) The provisions of law⁵ governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff shall, so far as applicable, be made to apply to stamps provided in section 1021 (c) (1). (June 13, 1898, c. 448, § 40, 30 Stat. 468.)

(b) All administrative, special, or stamp provisions of law, including the laws in relation to assessment of taxes, not⁶ specifically repealed, shall be⁷ applicable to this chapter and to section 1378. (June 13, 1898, c. 448, § 31, 30 Stat. 466.)

Sec. 1029. Regulations.—For authority of the Commissioner, with the approval of the Secretary, to make all needful rules and regulations for carrying into effect the provisions of this chapter and of section 1378,⁸ see subsection (a) (1) of section 1691.

Sec. 1030. Contracts for stamps.—The Commissioner, with the approval of the Secretary, is authorized to procure any of the stamps provided in this chapter by contract whenever such stamps can not be speedily prepared by the Bureau of

Engraving and Printing, and said contracts shall be awarded under such terms, restrictions, and regulations as may be prescribed by the Commissioner, with the approval of the Secretary.⁹ (Mar. 3, 1899, c. 424, § 1, 30 Stat. 1090.)

Chapter 12.—NARCOTICS

SUBCHAPTER A—OPIUM AND COCA LEAVES

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SUBCHAPTER A—OPIUM AND COCA LEAVES

Sec. 1040. Tax.—(a) **Rate.**—There shall be levied, assessed, collected, and paid upon opium, coca leaves, any compound, salt, derivative, or preparation thereof, produced in or imported into the United States, and sold, or removed for consumption or sale, an internal revenue tax at the rate of 1 cent per ounce, and any fraction of an ounce in a package shall be taxed as an ounce. The tax imposed by this subsection shall be in addition to any import duty imposed on the aforesaid drugs. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785 as amended by Feb. 26, 1926, c. 27, § 703, 44 Stat. 97.)

¹(b) **By whom paid.**—The tax imposed by subsection (a) shall be paid by the importer, manufacturer, producer, or compounder. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785 as amended by Feb. 26, 1926, c. 27, § 703, 44 Stat. 97.)

(c) **How paid.**—(1) **Stamps.**—The tax imposed by subsection (a) shall be represented by appropriate stamps,² to be provided by the Commissioner, with the approval of the Secretary. (Dec. 17, 1914, c. 1, § 1, 38 Stat. 785 as amended by Feb. 26, 1926, c. 27, § 703, 44 Stat. 97.)

(2) **Assessment.**—For assessment in case of omitted taxes payable by stamp, see section 1431 and section 1530.

⁹ This is from the act of Mar. 3, 1899, which provides as follows:

"Hereafter the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to procure any of the stamps provided for in the Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes', approved June thirteenth, eighteen hundred and ninety-eight, by contract, whenever such stamps can not be speedily prepared by the Bureau of Engraving and Printing and said contracts shall be awarded under such terms, restrictions and regulations as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury."

The tax on mixed flour is the only tax imposed by the act of 1898, which is still in force.

¹ Subsection (b) is substituted for "such tax to be paid by the importer, manufacturer, producer, or compounder thereof" which follows "ounce" in section 703 of the Revenue Act of 1926.

² "The tax imposed by subsection (a) shall be represented by appropriate stamps" is substituted for "and to be represented by appropriate stamps" following "compounder thereof" in section 703 of the Revenue Act of 1926.

⁴ "By this chapter" is substituted for "herein."

⁵ "Law" is substituted for "existing laws."

⁶ "Heretofore" is omitted before "specifically."

⁷ "Shall be" is substituted for "are hereby made."

⁸ "Chapter and of section 1378" has reference to "Act." Following the word "Act", sec. 47 of the act of June 13, 1898, contains the following provision: "And the said Commissioner of Internal Revenue, by and with the approval of the Secretary of the Treasury, for the purpose of carrying said last mentioned provisions of this act into effect, is hereby authorized to employ such additional clerks and agents as may be necessary for that purpose, not to exceed twenty in number." This clause is omitted as obsolete.

The following section of the act of June 13, 1898, c. 448, § 49, 30 Stat. 479, is also omitted because of its temporary character: "That the provisions of this Act relating to the manufacture and sale of mixed flour shall take effect and be in force sixty days from and after the date of the passage of this Act; and all packages of mixed flour found on the premises of any person, firm, or corporation on said day, who has made, packed, or repacked the same, on which the tax herein authorized has not been paid, shall be deemed taxable under the provisions of section thirty-six to section forty-five, both inclusive, of this Act, and shall be taxed and have affixed thereon such marks, brands, labels, and stamps as required by the provisions of said sections or by the rules and regulations prescribed by the Commissioner of Internal Revenue, under authority of this Act."